

**ASSEMBLY BILL**

**No. 2398**

**Introduced by Assembly Member Robert Pacheco**

February 21, 2002

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An act to amend Sections 81450.5 and 81452 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2398, as introduced, Robert Pacheco. Community colleges: surplus personal property.

(1) Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law contains provisions generally governing the acquisition and disposition of personal property by community college governing boards, including provisions authorizing the sale of surplus personal property under prescribed conditions. Existing law also allows these districts to exchange for value, sell for cash, or donate any personal property belonging to the district if the property is determined to be surplus, the property is exchanged with, or sold or donated to, school districts or other community college districts and the receipt of the property would not be inconsistent with technology plans of the recipient district.

This bill would allow the surplus property to also be exchanged with, or sold or donated to, other public entities. The bill would also make conforming changes.

(2) Existing law allows the governing board of a community college district to empower, by a unanimous vote of its members, a district

employee to sell at a private sale property that does not exceed \$2,500 in value.

This bill would substitute the \$2,500 maximum valuation of the property with an unspecified maximum value.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 81450.5 of the Education Code is  
2 amended to read:

3 81450.5. Notwithstanding Sections 81450 and 81452, a  
4 community college district may, without providing the notice  
5 required by Section 81450, exchange for value, sell for cash, or  
6 donate any personal property belonging to the district if all of the  
7 following criteria are met:

8 (a) The district determines that the property is not required for  
9 school purposes, that it should be disposed of for the purpose of  
10 replacement, or that it is unsatisfactory or not suitable for school  
11 use.

12 (b) The property is exchanged with, or sold or donated to, a  
13 school district ~~or~~, community college district, *or other public*  
14 *entity* that has had an opportunity to examine the property  
15 proposed to be exchanged, sold, or donated.

16 (c) The receipt of the property *by a school district or*  
17 *community college district* would not be inconsistent with any  
18 applicable districtwide or schoolsite technology plan of the  
19 recipient district.

20 SEC. 2. Section 81452 of the Education Code is amended to  
21 read:

22 81452. (a) If the governing board, by a unanimous vote of  
23 those members present, finds that the property, whether one or  
24 more items, does not exceed in value the sum of ~~two thousand five~~  
25 ~~hundred~~ \_\_\_\_\_ dollars (~~\$2,500~~), the property may be sold at private  
26 sale without advertising, by any employee of the district  
27 empowered for that purpose by the board.

28 (b) Any item or items of property having previously been  
29 offered for sale pursuant to Section 81450, but for which no  
30 qualified bid was received, may be sold at private sale without



3 (c) If the board, by a unanimous vote of those members present,  
4 finds that the property is of insufficient value to defray the costs  
5 of arranging a sale, the property may be donated to a charitable  
6 organization deemed appropriate by the board, or it may be  
7 disposed of in the local public dump on order of any employee of  
8 the district empowered for that purpose by the board.

10 CORRECTIONS  
11 Heading — Line 1.

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